

U.S.A. vs JUAN GERARDO HERRERA-BARRIENTOS

No. 08CR242-LAB

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
 commenced on 2/7/08 and ended on 4/28/08; (X7,XT1)  
 and ended on \_\_\_\_\_.

- 3161(h)  
 \_\_\_ (1) (A) Exam or hrg for **mental or physical incapacity**  
 \_\_\_ (1) (B) **NARA examination** (28:2902)  
 \_\_\_ (1) (D) State or Federal trials or **other charges pending**  
 \_\_\_ (1) (E) **Interlocutory appeals**  
 \_\_\_ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
 \_\_\_ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
 \_\_\_ (1) (J) **Proceedings under advisement** not to exceed thirty days  
 \_\_\_ Misc proc: Parole or prob rev, deportation, **extradition**  
 \_\_\_ (1) (H) **Transportation** from another district or to/from examination  
 or hospitalization in ten days or less  
X (1) (I) Consideration by Court of **proposed plea agreement**  
 \_\_\_ (2) **Prosecution deferred** by mutual agreement  
 \_\_\_ (3) (A) (B) **Unavailability of defendant or essential witness**  
 \_\_\_ (4) Period of **mental or physical incompetence** of defendant to  
 stand trial  
 \_\_\_ (5) Period of **NARA commitment or treatment**  
 \_\_\_ (6) **Superseding indictment and/or new charges**  
 \_\_\_ (7) **Defendant awaiting trial of co-defendant** when no severance  
 has been granted  
 \_\_\_ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than  
 one of the reasons below are given in support of continuance  
 \_\_\_ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding  
 would result in a **miscarriage of justice** and  
 the ends of justice outweigh the best interest  
 of the public and the defendant in a speedy trial.  
 (**Continuance - miscarriage of justice**)  
X 2) Failure to grant a **continuance** of the trial would result in  
 a miscarriage of justice as the defendant has tendered a  
 guilty plea to a magistrate judge and is awaiting a  
 determination as to whether the plea will be accepted.  
 (**Continuance - tendered a guilty plea**)  
 \_\_\_ (8) (B) (ii) 2) **Case unusual or complex**  
 \_\_\_ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days  
 \_\_\_ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,  
 or give reasonable time to prepare  
 (**Continuance re counsel**)  
 \_\_\_ 3161(I) Time up to **withdrawal of guilty plea**  
 \_\_\_ 3161(b) **Grand jury indictment time extended** thirty (30) more days

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Date 2/7/08

NLS  
 Judge's Initials